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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 SHAWN W. MCCLUNG,

7 Plaintiff,

8 v.

9 AZTEC INN CASINO, LTD.,

10 Defendant.  
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) Case No. 2:16-cv-00382-JAD-CWH  
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) **REPORT AND RECOMMENDATION**  
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12 This matter is before the court on Plaintiff Shawn W. McClung's failure to comply with the  
13 court's order (ECF No. 4).

14 On May 17, 2017, the court denied Plaintiff's application to proceed *in forma pauperis* and  
15 required Plaintiff to pay the \$400.00 filing fee by June 16, 2017. (Order (ECF No. 4) at 2.) Plaintiff  
16 was advised that failure to pay the filing fee would result in a recommendation that his case be  
17 dismissed without prejudice. (*Id.*) To date, Plaintiff has not paid the filing fee.

18 IT IS THEREFORE RECOMMENDED that Plaintiff Shawn W. McClung's case be  
19 dismissed without prejudice.

20 **NOTICE**

21 This report and recommendation is submitted to the United States district judge assigned to  
22 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may  
23 file a written objection supported by points and authorities within fourteen days of being served with  
24 this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive  
25 the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

26 DATED: June 21, 2017

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C.W. Hoffman, Jr.  
United States Magistrate Judge